

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNILEVER CARIBBEAN, A DIVISION OF  
UNILEVER OF PUERTO RICO, INC.

v.

ISLAND TRADING AND PURVEYORS, LTD.et al.

CASE NUMBER: 98-1921-(DRD)

**ORDER**


On August 10, 1999 this Court ordered the parties to "notify the court on or before August 25, 1999 whether it is not preferable to continue the instant case under the bankruptcy proceedings." (Docket No. 54) As of this date only plaintiff has complied (Docket No. 55), notifying the Court that "it is indifferent to the disputed funds or the venue or forum in which defendants wish to settle amongst themselves their claims on the disputed funds." Accordingly, plaintiff has deposited with the Court the disputed funds in this action and requests that it be dismissed from the action. Intervenors Grocery Marketing, Inc. (GMI) and HRM Provision Company (HRM) have informed the Court of a filing of an adversary proceeding, In Re: Island Trading and Purveyors, Inc. in the United States Bankruptcy Court for the Southern District of Florida, Adversary Case No. 99-2264, Bankruptcy Case No. 99-22303 BK-PGH, creating a parallel case, not as a preemptive strike but only for all courts (Bankruptcy Court, Adversary Proceeding Court, Federal Court of Puerto Rico) to determine the most appropriate forum to adjudicate the controversy.

Since Unilever Caribbean has no objection that the case be continued in the Southern District of Florida, because the intervenors have requested to continue in the Southern District of Florida where the defendant is in bankruptcy proceedings, and because the other parties at one time or another have requested to litigate this case in the Southern District of Florida, the Clerk of the Court will transfer the instant case and the funds deposited by plaintiff Unilever Caribbean (\$325,013.85) to the Clerk of the United States Bankruptcy Court for the Southern District of Florida, where the parties may continue to litigate the matter in Adversary Proceeding No. 99-2264. Unilever Caribbean, a division of Uniliver de Puerto Rico, Inc., there being no opposition, is dismissed from this action.

This order disposes of this case for administrative purposes.

IT IS SO ORDERED.

Date: August 27, 1999

  
DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE

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